

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MAGDALINA KALINCHEVA, M.D.;

Plaintiff,

vs.

JESSE NEUBARTH, VALENTYNA
LEZOVITSKAYA, child; E. ANDREW
WALTON, JERALD MASON, all from
Avenue Realty; CHICAGO TITLE
COMPANY, DONALD A.
MACHADO, MICHELLE HULLIGAN,
JANE DOE, Trini women 2 kids
Manteca CA; TODD CORREN, and
JOHN DOE, Renters at 535 W Vine St.,
9-12;

Defendants.

8:15CV44

**MEMORANDUM
AND ORDER**

This matter is before the court on Plaintiff's "Motion for Notice of Removal" ([Filing No. 102](#)) and "Motion for Leave, Motion to Amend, and Motion for Emergency Motion" ([Filing No. 106](#)). The court entered a Memorandum and Order and Judgment dismissing this matter on February 10, 2015. ([Filing No. 8](#); [Filing No. 9](#).)¹ Plaintiff thereafter filed a "Motion to transfer" ([Filing No. 10](#)) and an "Ex Parte Motion for Relief from Judgments/Orders, Leave to Amend After Emergency Injunctive Relief" ([Filing No. 11](#)). The court entered an order on March 12, 2015, denying Plaintiff's motions. ([Filing No. 12](#).) In its order, the court warned Plaintiff: "Filing frivolous motions could result in further action by this

¹ The court entered identical or similar Orders and Judgments in Plaintiff's companion cases in this district: *Kalincheva v. Neubarth, et al.*, 8:15CV45, Filing Nos. 7, 8 (D. Neb. 2015); *Kalincheva v. Neubarth, et al.*, 8:15CV46, Filing Nos. 7, 8 (D. Neb. 2015).

court, including the imposition of sanctions including, but not limited to, filing restrictions.” (*Id.*)

The court’s previous warning has not deterred Plaintiff from continuing to file frivolous and malicious pleadings, including the two pending Motions.² “The Court may, in its discretion, place reasonable restrictions on any litigant who files non-meritorious actions for obviously malicious purposes and who generally abuses judicial process.” *In re Tyler*, 839 F.2d 1290, 1293 (8th Cir. 1988) (quoting *People of the State of Colorado v. Carter*, 678 F. Supp. 1484, 1486 (D. Colo. 1986)) (internal citations omitted). With this in mind, the court denies Plaintiff’s pending motions as frivolous and malicious. In addition, the court warns Plaintiff that if she continues to file frivolous and malicious pleadings, the court **will impose** sanctions including, but not limited to, revoking her CM/ECF filing rights in this case.

IT IS THEREFORE ORDERED that: Plaintiff’s pending motions ([Filing No. 102](#); [Filing No. 106](#)) are denied. This case is closed and Plaintiff is not entitled to the relief she seeks.

Dated this 10th day of March, 2017.

BY THE COURT:

s/ *Richard G. Kopf*
Supervising Pro Se Judge

² The court is aware that Plaintiff has filed lawsuits in at least six other districts throughout the country against Jessie Neubarth, each of which have been dismissed for failure to state a cognizable claim upon which relief may be granted. See *Kalincheva v. Neubarth*, No. 1:14-CV-01262-LJO, 2014 WL 5106432, at *1 n.1 (E.D. Cal. Oct. 10, 2014) (listing cases). Plaintiff has been warned by another district court that she would be subject to monetary sanctions for any additional frivolous filings. See *Kalincheva v. Neubarth*, 2013 WL 5524815 (D. Mass. Oct.2, 2013).